

CUSTOMS AND EXCISE ACT 1993

DUAL-USE AND RELATED GOODS (EXPORT CONTROL) (AMENDMENT No. 4) REGULATIONS 1997 (APPLICATION) ORDER 1998

Approved by Tynwald

18 March

1998

Coming into operation

15 December 1997

In exercise of the powers conferred on the Treasury by section 1 of the Customs and Excise Act 1993^(a), and of all other enabling powers, the following Order is hereby made :-

Citation, commencement and construction

1. (1) This Order may be cited as the Dual-Use and Related Goods (Export Control) (Amendment No. 4) Regulations 1997 (Application) Order 1998 and shall be construed as one with the Customs and Excise Acts (Application) Order 1979^(b).

(2) The applied legislation shall be deemed to have come into operation on 15 December 1997.

Interpretation

2. In this Order, "the applied legislation" means the Dual-Use and Related Goods (Export Control) (Amendment No. 4) Regulations 1997^(c).

Application

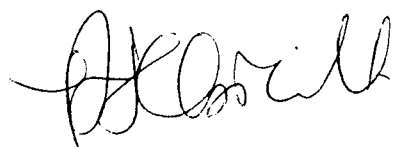
3. The applied legislation shall apply to the Island, as part of the law of the Island, subject to the omission in article 1 of the words from "and shall" onwards.

^(a) 1993 c.7.

^(b) G.C. 38/79.

^(c) S.I. 1997 No. 2759.

Made



Minister for the Treasury

28/1/98.

EXPLANATORY NOTE
(This note is not part of the Order)

This Order applies in Island law various amendments made to the Dual-Use and Related Goods (Export Control) Regulation 1996^(d)

S.I. 1996/2721, as applied in the Island by SD 704/96.



1997 No. 2759

CUSTOMS AND EXCISE

The Dual-Use and Related Goods (Export Control)
(Amendment No. 4) Regulations 1997

<i>Made</i>	- - - -	<i>19th November 1997</i>
<i>Laid before Parliament</i>		<i>20th November 1997</i>
<i>Coming into force</i>		<i>15th December 1997</i>

The Secretary of State, being a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the control of the export of goods and measures relating to trade in dual-use goods, in exercise of the powers conferred on her by that section hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Dual-Use and Related Goods (Export Control) (Amendment No. 4) Regulations 1997 ~~and shall come into force on 15th December 1997.~~

(2) In these Regulations, “Schedule 2” means Schedule 2 to the Dual-Use and Related Goods (Export Control) Regulations 1996^(c).

2. In paragraph 5 of Schedule 2, the definitions of “basic scientific research”, “improvised explosive devices” and “required” shall be revoked.

3. The following heading and entry shall be inserted at the beginning of category 1 in Schedule 2:

“1A *Equipment, Assemblies and Components*

1A905 The export of goods specified in this entry is prohibited to any destination except to Member States.

Portable devices, other than those specified in entry PL 5001 of Part III of Schedule 1 to the Export of Goods (Control) Order 1994^(d), designed for self-protection by the administration of an incapacitating substance and specially designed components therefor.”

4. The following entry shall be inserted immediately before entry 1C950 in Schedule 2:

“1C911 Ferrocene derivatives other than those specified in entry ML8.e.11 in Part III of Schedule 1 to the Export of Goods (Control) Order 1994.”

(a) S.I. 1983/1706 and 1994/2791.

(b) 1972 c.68.

(c) S.I. 1996/2721, amended by S.I. 1997/324, 1007 and 1694.

(d) S.I. 1994/1191; the relevant amending instruments are S.I. 1996/2663 and 1997/2758.



5. In each of entries 1E950, 3E990, 5E990, 8E990, 9E990, 9E991 and 9E993 in Schedule 2, the word "required" shall be replaced by the words "according to the General Technology Note".

6. Category 3 in Schedule 2 shall be revoked.

7. The following category shall be inserted after category 5 in Schedule 2:

"CATEGORY 6—SENSORS AND LASERS

6A *Equipment, Assemblies and Components*

6A907 The export of goods specified in this entry is prohibited to any destination except to Member States.

Gravity meters (gravimeters), other than those specified in entry 6A007.b of "Annex I", designed for airborne or marine use and having a static or operational accuracy of less (better) than 0.7 mgal and a time-to-steady-state registration of less than two minutes, and specially designed components therefor."

8.—(1) The following amendments shall be made in category 8 in Schedule 2.

(2) In entry 8A990, the words from "Vessels" to the end shall be replaced by the following:

"Vessels and inflatable craft in an inflated or uninflated state, and equipment and components designed therefor, other than any vessel, craft, equipment or component specified in entry ML9 in Part III of Schedule 1 to the Export of Goods (Control) Order 1994 or in "Annex I"."

(3) The following heading and entry shall be inserted after entry 8A990:

"8D *Software*

8D990 The export of goods specified in this entry is prohibited to any destination in Iran or Iraq.

"Software" designed for the "development", "production" or "use" of goods specified in entry 8A990."

(4) In entry 8E990, the words "or 8D990" shall be added at the end.

9.—(1) The following amendments shall be made in category 9 in Schedule 2.

(2) In each of entries 9A991 and 9E991, the words "except to Member States" shall be replaced by the words "in Iran, Iraq or Libya."

(3) In each of entries 9E990 and 9E991, the words "equipment or software" shall be replaced by the word "goods".

(4) In entry 9E993, the words "or 9D993" shall be inserted after the words "entry 9A993".

19th November 1997

Barbara Roche,
Parliamentary Under Secretary of State
for Small Firms, Trade and Industry,
Department of Trade and Industry



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a number of amendments to Schedule 2 to the Dual-Use and Related Goods (Export Control) Regulations 1996 pursuant to Article 5 of Council Regulation (EC) No. 3381/94 on the control of exports of dual-use goods (O.J. No. L367, 31.12.94, p. 1):

- regulation 2 revokes superfluous definitions;
- regulation 3 introduces new controls on export of portable self-protection devices which administer an incapacitating substance;
- regulation 4 introduces new controls on export of certain ferrocene derivatives;
- regulation 5 links all controls on technology in Schedule 2 to the “General Technology Note” in Annex I to Council Decision 94/942/CFSP (O.J. No. L367, 31.12.94, p. 1, as amended by Council Decision 96/613/CFSP (O.J. No. L278, 30.10.96, p. 1)) so far as not already linked;
- regulation 6 removes controls on apparatus and devices for dealing with explosive devices (including “improvised explosive devices”): new controls are included in an amendment to the Export of Goods (Control) Order 1994 (S.I. 1994/1191) made at the same time as these Regulations;
- regulation 7 introduces new controls on export of gravity meters;
- regulation 8 broadens the controls on exports of vessels to Iran and Iraq;
- regulation 9 restricts the controls on microlight aircraft and steerable parachutes so that they apply only to exports to Iran, Iraq and Libya, and makes minor adjustments to the controls on the export of technology relating to aircraft software.

1997 No. 2759

CUSTOMS AND EXCISE

The Dual-Use and Related Goods (Export Control)
(Amendment No. 4) Regulations 1997

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